

## **REMARKS**

Claims 42, 49, and 54-69 are pending. Upon entry of this response, claims 49, 55, 56, and 58-61 will be pending, claims 49, 55, and 58-60 having been amended and claims 42, 54, 57, and 62-69 canceled in this response. The amendments to claim 49 find support in the specification, page 10, ll. 6-7, 9-11, and claim 42, for example. The amendment to claim 60 finds support in the specification, page 9, ll. 13-15, for example. Claims 55, 58, and 59 were amended to depend from claim 49. Accordingly, there are no issues of new matter.

### **Objections to the Specification**

Claims 42, 54, 57, 60, 62, 65, and 68 were objected to as allegedly introducing new matter. The objected-to language in claim 60 has been amended to recite "wherein the plastics layer is about 30  $\mu\text{m}$  thick." Claims 42, 54, 57, 62, 65, and 68 have been canceled, rendering their objections moot. Accordingly, the objections are believed to have been overcome. Withdrawal thereof is requested.

### **112 Rejections**

Claims 42, 54, 57, 60, 62, 65, and 68 were rejected under 35 U.S.C. 112, 1<sup>st</sup> paragraph, as allegedly failing to comply with the written description requirement. The amendment to claim 60 and the cancellation of claims 42, 54, 57, 62, 65, and 68, as described above in the "Objections to the Specification" section, are believed to overcome the rejections. Withdrawal thereof is requested.

### **102 Rejections**

Claims 42, 49, 59, 61, and 67 were rejected under 35 U.S.C. 102(b) as allegedly being anticipated by Louie (U.S. Pat. No. 5,591,540). Claims 42 and 67 have been canceled, rendering their rejections moot. Applicants traverse the remaining rejections.

Claim 49 as amended is directed to a laminate package for an energy storage device having two terminals, the package including, *inter alia*, "a sealant layer being disposed intermediate the inner barrier layer and at least one of the terminals for sealing the inner barrier layer to that one of the terminals." The sealant layer advantageously offers a barrier to the passage of one or more contaminants into the package cavity.

In contrast, Louie discloses a strip 30 between terminals 34, 36 to seal the area of the terminals or a strip 30 to seal the whole package 10. Louie further discloses using a heat press around the edges of the package to seal the packaging films 12, 28 together. See, e.g., Louie, col. 4, lines 27-36. Louie does not teach or suggest that the strip 30 is disposed intermediate the packaging films 12, 28 and at least one of the terminals 34, 36 or that the strip seals the terminals to the packaging films.

Therefore, claim 49 and its dependent claims 59 and 61 are not believed to be anticipated by Louie. Withdrawal of the rejections is requested.

#### 103 Rejections

Claims 60, 68, and 69 were rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Louie. Claims 68 and 69 have been canceled, rendering their rejections moot. Applicants traverse the remaining rejection.

As stated above, Louie neither teaches nor suggests the sealant layer of claim 49. Nor does Louie teach or suggest modifying its strip to provide the sealant layer of claim 49 for sealing an inner barrier layer to a terminal. Rather Louie relies on a heat press to seal its package and a strip to seal either the area of the terminals or the whole package.

Therefore, claim 49 and its dependent claim 60 are believed to be patentable over Louie. Withdrawal of the rejection is requested.

Claims 54-58 and 62-66 were rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Louie in view of Sasaki (U.S. Pat. No. 6,277,516). Claims 54, 57, and 62-66 have been canceled, rendering their rejections moot. Applicants traverse the remaining rejections.

The deficiencies of Louie are not corrected by Sasaki because Sasaki also fails to teach or suggest the sealant layer of claim 49. Instead, Sasaki discloses pre-treating a terminal 3 with a heat fusion-bonding seal material 1 and then heat fusion bonding the terminal to the container 5 to seal the container. See, e.g., Sasaki, col. 16, ll. 39-42; col. 17, ll. 55-67.

Since the sealant layer of claim 49 is absent from both references, their combination would still not provide the claimed layer.

Moreover, there is neither teaching nor suggestion in either reference to modify its sealing material to provide the sealant layer of claim 49.

Furthermore, embodiments of the present invention provide a sealant layer that is part of the laminate package itself to seal the inner barrier layer to the terminals and offer a barrier to

the passage of one or more contaminants into the package cavity. This configuration is more cost effective and efficient than those of the cited references, whereas Louie provides a strip and heat pressing and Sasaki provides terminal pretreatment and heat fusion bonding.

Therefore, claim 49 and its dependent claims 55, 56, and 58 are believed to be patentable over Louie in view of Sasaki. Withdrawal of the rejections is requested.

**CONCLUSION**


The claims are believed to be allowable. Applicants request that the response be entered and considered by the Examiner.

The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. §1.16 or §1.17 to Deposit Account No. 11-0600.

The Examiner is invited to contact the undersigned at 202-220-4200 to discuss any matter regarding this application.

Respectfully submitted,

Dated: May 9, 2006

  
Cassandra T. Swain, Ph.D.  
(Reg. No. 48,361)

KENYON & KENYON LLP  
1500 K Street, N.W., Suite 700  
Washington, DC 20005  
Tel.: (202) 220-4200  
Fax: (202) 220-4201